

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 1:23-CV-02130-STA-jay

A TEMPORARY RIGHT TO ENTER
UPON LAND IN CHESTER COUNTY,
TENNESSEE, and
HUNTER FAULKNER,
REBECCA FAULKNER, his wife,
Defendants.

ORDER GRANTING MOTION FOR ENTRY
OF ORDER OF POSSESSION (ECF NO. 10)
AND
ORDER OF POSSESSION

Upon the filing of a Declaration of Taking and the deposit of the estimated compensation to which the landowner is entitled for the taking, the lands are deemed to be condemned and taken for the use of the United States and the right to just compensation vests in the person entitled. 40 U.S.C. § 3114(b). The United States of America, by and through its agents, is entitled to immediate possession of property condemned by power of eminent domain. *United States v. Miller*, 317 U.S. 369, 381 (1943). The statutory and constitutional authority of the Tennessee Valley Authority (“TVA”) under the TVA Act, 16 U.S.C. § 831, as an agent of the United States, to construct electric transmission lines and circuits and acquire rights-of-way therefore by condemnation has long been established. *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936); *United States ex rel. TVA v. Russell*, 87 F. Supp. 386 (E.D. Tenn. 1948); *United States ex rel. TVA v. An Easement & Right-of-Way Over 1.8 Acres of Land*, 682 F. Supp. 353 (M.D. Tenn. 1988).

In this case, Plaintiff has filed a proper Declaration of Taking (ECF No. 4) and has placed with the Court an estimate of the just and liberal compensation to be afforded to Defendants for the taking. (ECF No. 9). Accordingly, Plaintiff TVA shall have and be put into immediate possession of the real property specifically described in Plaintiff's Declaration of Taking to the extent necessary to allow, enable, and permit TVA to carry on and perform any of its operations described in the pleadings. Defendants are **ORDERED** to immediately comply with this Order and to surrender possession of said real property to TVA pending further order of the Court.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. Thomas Anderson
UNITED STATES DISTRICT JUDGE

Date: April 5, 2023